

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ADEN HAILE-SHIREGA

Plaintiff,

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants.

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Case No.: 05-0978 (RBW)

JOINT STATEMENT OF THE CASE

This is a civil action seeking damages, costs, fees and other appropriate relief against Defendants MPD Officer Nikeith Goins (“Goins”), MPD Sergeant Joseph Massey (“Massey”), and the District of Columbia for: (i) committing acts, under color of law, which deprived Plaintiff Haile-Shirega (“Ms. Haile”) of rights secured to her under the Constitution and laws of the United States; (ii) intentionally denying Ms. Haile equal protection of laws; and (iii) refusing or neglecting to prevent such deprivations and denials to Ms. Haile.

This case arises from a traffic stop that occurred in the early morning hours of May 31, 2004, near the nightclubs on F Street NW in Washington, DC. Ms. Haile generally alleges that, after she spoke to her companions in her native Ethiopian tongue, the Defendant law enforcement officials forcibly removed her from the rear seat of a vehicle, fractured her upper right arm in the process thereby causing her severe and permanent injury, and unlawfully arrested her. Ms. Haile brings nine claims for relief: (I) Excessive Use of Force (actionable under 42 U.S.C. § 1983); (II) Denial of Equal Protection of the Law Because of National Origin (actionable under 42 U.S.C. § 1983); (III) Failure to Intercede (actionable under 42 U.S.C.

§ 1983); (IV) Unlawful Warrantless Arrest (actionable under 42 U.S.C. § 1983); (V) Assault and Battery (actionable under the common law of the District of Columbia); (VI) Assault (actionable under the common law of the District of Columbia); (VII) False Arrest (actionable under the common law of the District of Columbia); (VIII) Intentional Infliction of Emotional Distress (actionable under the common law of the District of Columbia); and (IX) Respondeat Superior (actionable under the common law of the District of Columbia). Ms. Haile also seeks attorneys' fees and costs, where appropriate, pursuant to 42 U.S.C. § 1988.

By their Answer, the Defendants have denied all of Ms. Haile's claims for relief, though the District of Columbia admits that, as a general statement of the law, it is liable for the common law torts of its employees committed within the scope of their employment. The defendants also deny that they have violated the Plaintiff's constitutional rights. The Defendants have also raised six other defenses: (I) the complaint fails to state a claim upon which relief can be granted; (II) any injuries suffered by Ms. Haile were the result of her own intentional, illegal or otherwise wrongful conduct; (III) any injuries suffered by Ms. Haile were the result of her own negligence, contributory negligence and/or assumption of the risk; (IV) Defendants Goins and Massey are entitled to qualified immunity; (V) Ms. Haile may have failed to comply with the mandatory notice requirements of D.C. Official Code § 12-309; and (VI) Ms. Haile has failed to mitigate her damages.

Both the Plaintiff and the Defendants demand a jury trial.

Dated: November 22, 2005

Respectfully submitted,

Of Counsel:

Arthur B. Spitzer, Esq.
District of Columbia Bar No. 235960
Fritz Mulhauser, Esq.
District of Columbia Bar No. 455377
AMERICAN CIVIL LIBERTIES
UNION OF THE NATIONAL
CAPITAL AREA
1400 20th Street, NW
Suite #119
Washington D.C. 20036
(202)457-0800

/s/ Michael Raibman

John E. Heintz
District of Columbia Bar No. 928929
Michael Raibman
District of Columbia Bar No. 462104
GILBERT HEINTZ & RANDOLPH LLP
1100 New York Avenue, NW
Suite 700
Washington, D.C. 20005
(202) 772-2200(t)
(202) 772-3333(f)

Attorneys for Plaintiff

/s/ David A. Jackson

David A. Jackson
District of Columbia Bar No. 471535
Assistant Attorney General
DISTRICT OF COLUMBIA
441 4th Street, NW
Washington, DC 20001
(202) 724-6618(t)
(202) 727-3625 (f)

Attorney for Defendants